

UNITED STATES DISTRICT COURT

for the

Eastern District of Missouri

In the Matter of the Seizure of

Approximately \$2,473.00 U.S. Currency

Case No. 4:18MJ3370 NCC

FILED

NOV 30 2018

U.S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

APPLICATION AND AFFIDAVIT FOR SEIZURE WARRANT

I, Larry Stoddard, being duly sworn depose and say:

I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, and have reason to believe that there is now certain property namely

Approximately \$2,473.00 U.S. Currency

which is

subject to forfeiture under Title 21, United States Code, Sections 853 & 881(a), and therefore, is subject to seizure under Title 18, United States Code, Section 981(b) and Title 21, United States Code, Sections 853(e)&(f) and 881(b) concerning a violation of Title 21, United States Code, Section 841.

The facts to support a finding of Probable Cause for issuance of a Seizure Warrant are as follows:

SEE ATTACHED AFFIDAVIT WHICH IS INCORPORATED HEREIN BY REFERENCE

Continued on the attached sheet and made a part hereof. X Yes No

Signature of Affiant, Special Agent Larry Stoddard

Sworn to before me, and subscribed in my presence

November 30, 2018 @ 3:38 PM
Date and Time Issued

at St. Louis, Missouri
City and State

Honorable Noelle C. Collins, U.S. Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer

FILED

NOV 30 2018

AFFIDAVIT IN SUPPORT OF SEIZURE WARRANT

U.S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

I, Larry Stoddard, your affiant, am a Special Agent of the Bureau of Alcohol, Tobacco, Firearms and Explosives, and, being duly sworn, state:

I. APPLYING OFFICER

1. I am a Special Agent of the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). As such, I am an investigative and law enforcement officer of the United States (U.S.) within the meaning of 18 U.S.C. § 2510(7), who is empowered to conduct investigations of, and to make arrests for, the offenses enumerated in 18 U.S.C. § 2516.

2. I have been a Special Agent with the ATF since September 2008. I am currently assigned to the Kansas City Field Division, Saint Louis Field Office. Your affiant's duties involve conducting criminal investigations into illegal possession/transfer of firearms, firearms trafficking, violent crimes involving firearms and narcotics trafficking.

II. ITEMS TO BE SEIZED

3. This affidavit is submitted in support of a seizure warrant for approximately \$2,473.00 in U.S. Currency (the "Subject Currency"). I am the lead agent of that investigation.

4. The above described property is currently in the custody of ATF.

5. The information contained in this affidavit is based on statements and information from witnesses, my personal knowledge and observations during the course of this investigation, my personal training and experience as a criminal investigator, and my review of records, documents, and other physical evidence obtained during this investigation. Because this affidavit is submitted for the limited purpose of establishing probable cause for the requested seizure warrant, I have not included each and every fact known to me concerning this investigation.

Rather, I have set forth herein only those facts which I believe are necessary to establish probable cause to support the warrants requested herein.

III. LEGAL FRAMEWORK

6. The proceeds of drug offenses are subject to forfeiture under both civil and criminal forfeiture authorities. This application seeks a seizure warrant under both civil and criminal authority because the property to be seized could be placed beyond process if not seized by warrant

7. Pursuant to 21 U.S.C. § 881(a)(6), “all moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance...all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of [the Controlled Substances Act]” are subject to civil forfeiture. In addition, pursuant to 21 U.S.C. § 853(a), any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of a drug violation, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate such violations, are subject to criminal forfeiture.

8. Pursuant to 18 U.S.C. § 981(b) and 21 U.S.C. § 881(b), property subject to civil forfeiture may be seized by a civil seizure warrant issued by a judicial officer “in any district in which a forfeiture action against the property may be filed,” and may be executed “in any district in which the property is found,” if there is probable cause to believe the property is subject to forfeiture. A civil forfeiture action may be brought in any district where “acts or omissions giving rise to the forfeiture occurred.” 28 U.S.C. § 1355(b)(1)(A). As detailed below, acts or omissions under investigation occurred in the Eastern District of Missouri. 21 U.S.C. § 853(f) provides authority for the issuance of a seizure warrant for property subject to criminal forfeiture.

9. Based on the foregoing, the issuance of this seizure warrant is authorized under 21 U.S.C. § 853(f) for criminal forfeiture; and 18 U.S.C. § 981(b) for civil forfeiture. Notwithstanding the provisions of Rule 41(a) of the Federal Rules of Criminal Procedure, the issuance of this seizure warrant in this district is appropriate under 18 U.S.C. § 981(b)(3) and 28 U.S.C. § 1355(b)(1) because acts or omissions giving rise to the forfeiture occurred in the Eastern District of Missouri.

III. PROBABLE CAUSE

The Subject

10. The subject of the present investigation is Calvin Harris, DOB 10/27/1965, SSN xxx-xx-3277. Harris's last known address is 5375 Claxton Ave., St. Louis, Missouri 63102 (5375 Claxton).

11. Calvin Harris has an extensive criminal history and is a convicted felon. Harris's convictions include, but are not limited to: narcotic trafficking, felon in possession of a firearm, unlawful use of a weapon, and felonious restraint. Harris also has a history of probation violations. Harris has been incarcerated multiple times for various felony violations over the years ranging from 1984 to 2017, with an approximate total time of 13 years.

Investigation Summary

12. During the week of October 8th, 2018, Detectives with the North County Police Cooperative (NCPC) developed information from a reliable Confidential Source (CS) that an individual identified as Calvin Harris was distributing a large amount of narcotics from his residence at 5375 Claxton. The CS informed investigators that there was such a demand that customers would line up outside the door of the residence.

13. On October 10, 2018, NCPC Detectives conducted surveillance and observed multiple individuals on the front porch and several vehicles parked in front of 5375 Claxton, including a vehicle known to be rented by Harris.

14. On October 15, 2018, another Confidential Source (CS #2) contacted NCPC and stated there was an individual named Calvin who lived off Claxton Avenue that was dealing controlled substances out of a residence. Officers took the CS #2 past the address at 5375 Claxton, and CS #2 identified the residence as where controlled substances were being sold.

15. On October 18, 2018, your affiant, along with other NCPC officers, Saint Louis Metropolitan Police Department detectives and ATF agents, executed a state search warrant 5375 Claxton. During the search, investigators discovered multiple plastic bags of narcotics, digital scales, and additional drug packaging, various drug paraphernalia, as well as the Subject Currency in multiple denominations throughout the residence.

16. Continuing on October 18, 2018, after being explained his Miranda rights, Harris agreed to speak with investigators. Harris stated he had been out of work for multiple months, and had been selling narcotics during the time while he had been unemployed. Harris also stated he had multiple firearms because he requires protection. Harris said in a Mirandized interview, a portion of Subject Currency was proceeds from his drug trafficking business. Harris described the Subject Currency as "house money." When U.S. Currency was collected from his drug sales, he would add the U.S. Currency to what he referred to as the "house money".

Federal Indictment:

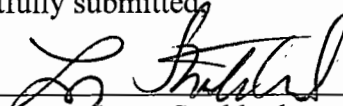
17. On November 15, 2018, Calvin Harris was charged by a Federal Grand Jury in the Eastern District of Missouri with possession with the intent to distribute a controlled substance, and for being a previously convicted felon in possession of a firearm. Included in the Indictment

is a forfeiture allegation for the approximately \$2,473.00 in U.S. Currency that is also the subject of the instant request.

IV. CONCLUSION

18. Based on your affiant's training and experience and the training and experience of other members of the team, the information set forth above establishes probable cause that Calvin Harris engaged in narcotics trafficking in violation of Title 21, United States Code, Section 841(a)(1), and that the above described property is subject to criminal forfeiture pursuant to Title 21, United States Code, Section 853(a) and civil forfeiture pursuant to Title 21, United States Code, Sections 881 (a)(6).

Respectfully submitted,


Special Agent Larry Stoddard
Bureau of Alcohol, Tobacco, Firearms, and Explosives

SUBSCRIBED and SWORN to before me on

30th November, 2018


THE HONORABLE NOELLE C. COLLINS
UNITED STATES MAGISTRATE JUDGE